

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
John C. Harvey *et al.*

Patent No.: 7,849,479

Issued: December 7, 2010

For: SIGNAL PROCESSING APPARATUS AND
METHODS

Commissioner for Patents
Office of Patent Publication
Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted typographical errors which should be corrected. The claims of the issued patent do not reflect the Applicant's June 11, 2010 Comments on Statement of Reasons for Allowance and Amendment Under 37 C.F.R. §1.312 (Exhibit A), which was entered on July 22, 2010 (Exhibit B).

In claim 1, column 287, line 23, delete "to" such that the phrase reads "mass medium programming and." Claim 1 was originally claim 2. On page 2 of the Amendment Under 37 C.F.R. §1.312, "to" is correctly absent from the phrase "mass medium programming and" in claim 2.

In claim 28, column 292, line 13, delete "ai" and "that." Claim 28 was originally claim 51. On page 11 of the Amendment Under 37 C.F.R. §1.312, "ai" and "that" are not present in claim 51.

Applicants did not make the aforementioned errors. The claims were last amended via the Applicant's June 11, 2010 Comments on Statement of Reasons for Allowance and Amendment Under 37 C.F.R. §1.312. No further amendments were submitted by Patentee or

issued by the Examiner. Patent 7,849,479 issued on December 7, 2010, and contains the aforementioned typographical errors.

Accordingly, Patentee believes that the aforementioned errors were caused by the Office and that no fee is due for the Certificate of Correction. However, if any fees are required, the Director is hereby authorized to charge any fees to our Deposit Account No. 50-4494.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

Dated: December 9, 2010

Respectfully submitted,

By /Thomas J. Scott, Jr./
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Request for Certificate of Correction
Patent No. 7,849,479
Attorney Docket No. PMC-003 C270
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EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John C. Harvey *et al.*

Application No.: 08/447,447

Filed: May 23, 1995

For: SIGNAL PROCESSING APPARATUS AND
METHODS

Confirmation No.: 8574

Art Unit: 2625

Examiner: Chan S. Park

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE AND
AMENDMENT UNDER 37 CFR § 1.312**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance dated May 28, 2010, Applicant respectfully submits the following Amendment under 37 CFR § 1.312, Remarks, and Summary of Interviews.

The **AMENDMENT** begins on page 2

The **REMARKS** begin on page 13

The **SUMMARY OF INTERVIEWS** begins on page 14

AMENDMENT UNDER 37 CFR § 1.312

1. (Cancelled)

2. (Previously presented) A method of communicating and controlling receiving and presenting video or audio mass medium programming in a network, said method comprising the steps of:

inputting to a computer at an intermediate television transmission station data related to said video or audio mass medium programming.

receiving a first downloadable code related to said video or audio mass medium programming and at least one comparison signal at said intermediate television transmission station from an originating television transmission station.

detecting the presence of said first downloadable code and said at least one comparison signal at said intermediate television transmission station and passing said detected first downloadable code to said computer;

generating at said intermediate television transmission station a second downloadable code by processing said inputted data based on determining the contents of said first downloadable code;

comparing said at least one comparison signal with stored information at said intermediate television transmission station; and

transmitting said video or audio mass medium programming and said second downloadable code to at least one receiver station based on a result of said comparison;

wherein said at least one receiver station receives and displays said video or audio mass medium programming along with information having a predetermined relationship to said video or audio mass medium programming to supplement said video or audio mass medium

programming by processing said generated second downloadable code at said at least one receiver station.

3. (Previously presented) A method of communicating signals in a television communications network, said television communications network including at least one origination station and a plurality of intermediate television transmission stations, each of said plurality of intermediate television transmission stations having a receiver, at least one signal generator operatively connected to said receiver, a transmitter, an automatic control unit operatively connected to said at least one signal generator, and a detector operatively connected to said at least one signal generator, said method comprising the steps of:

receiving in each of said plurality of intermediate television transmission stations an information transmission, including at least one generation instruction related to television programming and at least one signal for comparison from said at least one origination station;

detecting in each of said plurality of intermediate television transmission stations said at least one generation instruction and said at least one signal for comparison;

passing in each of said plurality of intermediate television transmission stations said at least one generation instruction and said at least one signal for comparison to said automatic control unit;

generating in each of said plurality of intermediate television transmission stations a respective generated signal in accordance with said at least one generation instruction;

comparing, under control of said automatic control unit at each of said plurality of intermediate television transmission stations, said at least one signal for comparison with stored information; and

transferring in each of said plurality of intermediate television transmission stations said respective generated signal and said television programming to at least one respective receiver station based on a result of said step of comparing, wherein a first of said respective generated signals when generated by a first of said plurality of intermediate television transmission stations is different from a second of said respective generated signals when generated by a second of said plurality of intermediate television transmission stations,

wherein said at least one respective receiver station receives and displays said television programming along with information having a predetermined relationship to said television programming to supplement said television programming by processing said respective generated signal received at said at least one respective receiver station.

4-8. (Cancelled)

9. (Previously presented) The method of claim 3, wherein said at least one generation instruction instructs each of said plurality of intermediate television transmission stations to generate microprocessor instructions, said method further comprising the step of including said microprocessor instructions in said respective generated signal at each of said plurality of intermediate television transmission stations.

10. (Previously presented) The method of claim 3, wherein said automatic control unit at each of said plurality of intermediate television stations is programmed to respond to said at least one generation instruction at different times at different of said plurality of intermediate television stations.

11. (Previously presented) The method of claim 3, wherein at least a portion of said information transmission includes video or audio mass medium programming, said method further comprising the steps of:

receiving a control signal which operates at each of said plurality of intermediate transmitter stations to transmit said video or audio mass medium programming from each of said plurality of intermediate television transmission stations.

12. (Previously presented) The method of claim 3, further comprising the step of transmitting from a second origination station a control signal which is effective to cause at least one of said plurality of intermediate television transmission stations to store a second generation instruction and a second signal for comparison.

13. (Previously presented) The method of claim 12, further comprising the step of transmitting said second generation instruction from said second origination station.

14. (Previously presented) The method of claim 11, wherein said video or audio mass medium programming comprises audio.

15. (Previously presented) The method of claim 3, wherein said automatic control unit in each of said plurality of intermediate television transmission stations is programmed to control a switch, said switch adapted to communicate an said information transmission transmitted from said at least one origination station, said method further comprising the step of transmitting an instruction from said at least one origination station which causes at least one of said plurality of intermediate television transmission stations to control its switch.

16. (Previously presented) The method of claim 3, wherein each of said plurality of intermediate television transmission stations transmits video or audio mass medium programming, said method further comprising the step of transmitting said video or audio mass medium programming from said at least one origination station to said plurality of intermediate television transmission stations.

17-18. (Cancelled)

19. (Previously presented) The method of claim 3, wherein at least one of said plurality of intermediate television transmission stations generates control signals and wherein at least one receiver station outputs a video presentation in accordance with said control signals.

20. (Previously presented) The method of claim 16, wherein a second information transmission transmitted from each of said plurality of intermediate television transmission stations includes said video or audio mass medium programming, said method further comprising the step of including said respective generated signal in said information transmission at each of said plurality of intermediate television transmission stations.

21. (Previously presented) The method of claim 20, wherein said step of including comprises embedding at least a portion of said respective generated signal in the normal transmission location of said video or audio mass medium programming.

22. (Previously presented) The method of claim 21, wherein said video or audio mass medium programming comprises audio.

23. (Previously presented) The method of claim 9, further comprising the step of at least one of compiling and linking said microprocessor instructions.

24. (Previously presented) The method of claim 3, wherein at least one of said plurality of intermediate television transmission stations generates control signals, wherein at least one receiver station outputs a first portion of audio in accordance with said control signals, said method further comprising the step of transmitting a second portion of audio to be output with said first portion of audio.

25. (Previously presented) The method of claim 2, further comprising the step of transmitting a portion of said first downloadable code in said second downloadable code.

26. (Previously presented) The method of claim 2, wherein said at least one receiver station generates a portion of said information having a predetermined relationship to said video or audio mass medium programming to supplement said video or audio mass medium programming by processing stored data, said method further comprising the step of transmitting data to be stored at said at least one receiver station.

27-42. (Cancelled)

43. (Currently amended) A method of communicating and controlling at least one of the reception and presentation of television programming in a network, said network including a programming origination station, an intermediate television transmission station, and at least one subscriber station, said intermediate television transmission station including a receiver and a transmitter, and said at least one subscriber station including at least one output device, said method comprising the steps of:

storing computer program code at said intermediate television transmission station related to first television programming.

inputting to a computer at said intermediate television transmission station data related to said first television programming.

receiving a first control signal and a comparison signal at said intermediate television transmission station from said programming origination station.

detecting said first control signal at said intermediate television transmission station and passing said first control signal to said computer;

executing said stored computer program code in response to determining the composition of said first control signal;

generating at said intermediate television transmission station downloadable computer program code by processing said data based on determining the contents of said stored computer program code;

comparing said comparison signal with stored information at said intermediate television transmission station; and

transmitting said generated downloadable computer program code to said at least one subscriber station based on a result of the comparison;

receiving said first television programming at said intermediate television transmission station from said programming origination station; and

transmitting a third control signal and said first television programming from said intermediate television transmission station to said at least one subscriber station; said generated downloadable computer program code controlling said at least one subscriber station to receive second programming and ~~display~~ display said second programming along with said first television programming at said at least one output device, wherein said third control signal instructs said at least one subscriber station to execute said generated downloadable computer code.

44. (Previously presented) A method of communicating signals in a television communications network, said television communications network including at least one origination station and a plurality of intermediate television transmission stations, each of said intermediate television transmission stations having a receiver, at least one signal generator operatively connected to said receiver, a transmitter, an automatic control unit operatively connected to said at least one signal generator, and a detector operatively connected to said automatic control unit, wherein each said automatic control unit is programmed to perform in a station-specific fashion, said method comprising the steps of:

transmitting information content of at least one first signal from said at least one origination station to each of said plurality of intermediate television transmission stations, said information content of at least one first signal including at least one generation instruction related to television programming.

transmitting information content of at least one transmission control signal from said at least one origination station to each of said plurality of intermediate television transmission stations.

receiving at each one of said plurality of intermediate television transmission stations said information content of at least one first signal;

detecting, at each one of said plurality of intermediate television transmission stations, said at least one generation instruction;

receiving, at each one of said plurality of intermediate television transmission stations, said information content of at least one transmission control signal;

passing, at each one of said plurality of intermediate television transmission stations, said at least one generation instruction to said automatic control unit;

generating, at each one of said plurality of intermediate television transmission stations, in accordance with said generation instruction, information content of a second signal;

including, at each one of said plurality of intermediate television transmission stations, said information content of a second signal in said second signal; and

transmitting from each intermediate television transmission station of said plurality of intermediate television transmission stations to at least one respective receiver station in accordance with said information content of at least one transmission control signal said second signal, such that the transmission time of said second signal when transmitted from a first of said

plurality of intermediate television transmission stations is different from the transmission time of said second signal when transmitted from a second of said plurality of intermediate television transmission stations,

wherein said at least one respective receiver station receives and displays said television programming along with information having a predetermined relationship to said television programming to supplement said television programming by processing said second signal received at said at least one respective receiver station.

45. (Previously presented) The method of claim 44, wherein said at least one generation instruction instructs each of said plurality of intermediate television transmission stations to generate microprocessor instructions and said automatic control unit is programmed with data of at least one of (i) at least one formula and (ii) at least one item to be generated.

46. (Previously presented) The method of claim 44, wherein said automatic control unit of each of said plurality of intermediate television transmission stations is programmed to respond to said at least one generation instruction at a different time.

47. (Previously presented) The method of claim 44, wherein said at least one first signal contains video or audio mass medium programming, said method further comprising the steps of:

communicating said video or audio mass media programming to said transmitter based on receipt of said at least one transmission control signal; and

retransmitting said video or audio mass medium programming from each of said plurality of intermediate television transmission stations at a time that is different at each intermediate television transmission station.

48. (Previously presented) The method of claim 44, further comprising the step of transmitting from a second origination station an instruct signal that causes at least one of said plurality of intermediate television transmission stations to store a second generation instruction and a second transmission instruction.

49. (Previously presented) The method of claim 48, further comprising the step of transmitting said second generation instruction from said second origination station.

50. (Previously presented) The method of claim 47, wherein said video or audio mass medium programming includes audio.

51. (Previously presented) The method of claim 44, wherein each of said plurality of intermediate television transmission stations further has a switch and said automatic control unit is programmed to control said switch.

52. (Previously presented) The method of claim 44, wherein each of said plurality of intermediate television transmission stations retransmits programming, said method further comprising the step of transmitting said programming from said at least one origination station to said plurality of intermediate television transmission stations.

53-54. (Cancelled)

55. (Previously presented) The method of claim 44, wherein a retransmission control signal instructs said plurality of intermediate television transmission stations to retransmit immediately, said method further comprising the step of selecting at least one of said at least one generation instruction and said at least one transmission instruction to store and retransmit.

56. (Previously presented) The method of claim 52, wherein said programming includes said second signal.

57. (Previously presented) The method of claim 56, wherein at least a portion of said second signal is embedded in the normal transmission location of said programming.

58. (Previously presented) The method of claim 57, wherein said programming includes audio.

59. (Previously presented) The method of claim 45, further comprising the step of at least one compiling and linking said microprocessor instructions.

60. (Previously presented) The method of claim 44, further comprising the step of transmitting at least one of a signal for comparison and at least one retransmission control signal from a first one of said plurality of intermediate television transmission stations.

61. (Cancelled)

REMARKS

The Notice of Allowance dated May 28, 2010 has been received and carefully considered. In this response, claim 43 has been amended pursuant to 37 C.F.R. § 1.312 to correct a typographical error. 37 C.F.R. § 1.312 states, in part, that “Any amendment filed pursuant to this section must be filed before or with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue.” By this § 1.312 Amendment, no new matter has been added. Entry of the amendment is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

SUMMARY OF INTERVIEWS

MAY 4, 2009

The prosecution of this application, along with all but two of Applicants' copending application, was suspended for several years pending the outcome of the appeal of Application Serial Nos. 08/470,571 and 08/487,526 and the reexamination proceedings of seven related patents. Applicants inquired into the status of these applications in January, 2009, as the current six-month suspension period expired. Applicants requested that the suspension of these applications not be renewed. The Office, through Supervisory Examiner David L. Ometz indicated that the suspensions would not be renewed and that prosecution would recommence. Applicants wish to thank Examiner David L. Ometz for the courtesy of the interview held on May 4, 2009 in which Applicants' representatives and the Examiners discussed an overall plan for examination of the remaining 110 applications which relate to this application and have a common chain of priority. Applicants were informed that the Patent and Trademark Office (PTO) was developing a plan to resume examination and that Applicants would be informed when the plan was in place.

JULY 22, 2009

Applicants were informed in July, 2009, that a team of examiners had been assembled to examine Applicants' copending applications. Applicants appreciate the courtesies extended to Applicants' Representatives in a meeting held July 22, 2009, with the examination team. In attendance at the meeting were Thomas J. Scott, Jr. and Carl L. Benson, of Goodwin Procter and the PTO personnel identified on the attached list. Applicants' representatives made a presentation to the Examiners in attendance in accordance with the attached agenda and provided the materials attached hereto to the Examiners for their consideration and use in the further examination of this application and the other application related to this application as identified in Tab 2 of the materials provided to the Examiners in the meeting. Applicants' representatives agreed to respond to any telephone inquiries or to be present for personal interview at the PTO in any circumstance where the Examiner believed such an interview would advance the prosecution of this application.

MARCH - MAY 2010

The Examiner and Applicant exchanged proposed claim amendments in an effort produce claims that the Examiner found allowable. The Examiner's Amendment included in the May 28, 2010 Notice of Allowance represents the allowable claims as agreed upon by the Examiner and the Applicants in a telephone interview on May 4, 2010. The changes included in this Amendment are to correct a typographic error. No new matter has been added.

CONCLUSION

Applicants appreciate the Examiner's time and consideration in this matter.

Dated: June 11, 2010

Respectfully submitted,

By /Thomas J. Scott, Jr./

Thomas J. Scott, Jr.

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Request for Certificate of Correction
Patent No. 7,849,479
Attorney Docket No. PMC-003 C270
Page 4 of 4

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/447,447

05/23/1995

JOHN C. HARVEY

5634/8

8574

70813

7590

07/22/2010

GOODWIN PROCTER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001

EXAMINER

PARK, CHAN S

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

07/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AAlpha-Kpetewama@goodwinprocter.com
patentdc@goodwinprocter.com
fmckeon@goodwinprocter.com

Response to Rule 312 Communication	Application No.	Applicant(s)
	08/447,447	HARVEY ET AL.
	Examiner	Art Unit
	CHAN S. PARK	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 11 June 2010 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☒ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

/CHAN S PARK/
Primary Examiner, Art Unit 2625

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,849,479

APPLICATION NO.: 08/447,447

ISSUE DATE : December 7, 2010

INVENTOR(S) : John C. Harvey, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 1, column 287, line 23, delete "to" such that the phrase reads "mass medium programming and"

In claim 28, column 292, line 13, delete "ai" and "that"

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Goodwin Procter LLP
901 New York Avenue, NW
Washington, DC 20001

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.